

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2393 of 2018**

Abdul Rashid, S/o. Late Majid, Aged About 63 Years, Occupation- Retired SECL Employee, R/o- West Chirmiri Coalary Pondi, P.S.- Pondi, Tahsil- Baikunthpur, District- Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, P.S.- Pondi, District- Korea, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2534 of 2018**

Raees Ahmad, S/o. Abdul Rashid, Aged About 34 Years, Caste- Musalman, R/o- West Chirmiri, Coalary Pondi, P.S.- Pondi, Tahsil- Baikunthpur, District- Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, P.S.- Pondi, District- Korea, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/05/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.58/2017, registered at Police Station – P.S. Pondi, District – Korea (C.G.) for the offence punishable under Section 294, 506, 323, 325, 326, 307, 341 read with Section 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that the applicants have been falsely implicated in this case. Applicants are in jail since 12.03.2018 and 13.03.2018 respectively. Subsequent to the filing of charge-sheet for offence under Section 294, 506, 323, 326 of the Indian Penal Code, a supplementary charge-sheet has been filed adding the offence under Section 307 of I.P.C. It is submitted that the offence under Section 307 is not made out. As the case is before the trial Court and the trial is likely to take sometime for its completion, hence, it is prayed that the applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the evidence present in the case diary, offence under Section 307 of I.P.C is made out, hence, the applicants are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the complainant Nafiz Ahmad and the applicants are related to each other and because of some dispute regarding use of toilet, a quarrel took place in which both these applicants assaulted the injured Nafiz and other persons with rods

causing injuries to them. Shaft of humerous of Nafiz was fractured in this incident. Apart from that two other persons were also injured in this incident. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Perusal of the case diary statement and the medical reports of the injured persons, it appears that although the iron rods were used for causing injuries that has been caused is on the leg of the complainant and not on any other vital part of the body, hence, registering the offence under Section 307 is debatable. Hence, this appears to be a quarrel resulted out of some dispute between the neighbours. Taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge